

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

***In re* Terrorist Attacks on September 11, 2001**

KATHERINE MAHER, as Personal
Representative of the **ESTATE OF DANIEL L.
MAHER, Deceased,**

KATHERINE MAHER, the surviving Spouse of
Daniel L. Maher,

PATRICIA RYAN, as Personal Representative of the
ESTATE OF JOHN J. RYAN, Deceased,

PATRICIA RYAN, the surviving Spouse of John J.
Ryan,

KRISTEN BREITWEISER, as Personal
Representative of the **ESTATE OF RONALD
BREITWEISER, Deceased,**

KRISTEN BREITWEISER, the surviving Spouse of
Ronald Breitweiser,

and

CAROLINE BREITWEISER, a surviving Child of
Ronald Breitweiser,

Plaintiffs,

v.

REPUBLIC OF THE SUDAN
c/o Asma Mohamed Abdalla
Minister of Foreign Affairs
Khartoum, Sudan,

Defendant.

As relates to: 03-MDL-1570 (GBD)(SN)

CIVIL DOCKET NO.: 1-18-cv-11909

**{PROPOSED}
SHORT FORM COMPLAINT
AND DEMAND FOR TRIAL BY JURY**

CASE NO: _____

The *Maher* Plaintiffs file this *Ashton* Short Form Sudan Complaint against Defendant Republic of the Sudan (“Sudan”) by and through undersigned counsel. The *Maher* Plaintiffs

incorporate by reference the specific allegations, as indicated below, of the *Ashton* Plaintiffs' Consolidated Master Complaint against the Republic of the Sudan, 1:02-cv-06977 (GBD)(SN), Doc. No. 11 in the United States District Court for the Southern District of New York, consolidated with 03 MDL 1570 ("the *Ashton* Sudan Complaint"). The *Ashton* Sudan Complaint, which included the *Maher* Plaintiffs named herein, was served on Sudan in Khartoum, Sudan via diplomatic means on April 29, 2003. The Clerk of Court issued a Certificate of Default against Sudan on December 22, 2011.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction, as asserted in the *Ashton* Sudan Complaint, is premised upon 28 U.S.C. § 1605(a)(5) (non-commercial tort exception); 28 U.S.C. § 1605(a)(7) (anti-terrorism exception); 28 U.S.C. § 1330 (actions against foreign states).

CAUSES OF ACTION

3. The *Maher* Plaintiffs hereby adopt and incorporate by reference the *Ashton* Plaintiffs' Consolidated Master Complaint against the Republic of the Sudan, 1:02-cv-06977 (GBD)(SN), Doc. No. 11 ("*Ashton* Sudan Complaint") as if set forth fully herein.

4. The following claims and allegations are asserted by the *Maher* Plaintiffs and are herein adopted by reference from the *Ashton* Sudan Complaint:

- Count One – Wrongful Death Intentional Murder
- Count Two – Survival Damages Based on Intentional Murder

- Count Three – Assault and Battery
- Count Four – Violation of Anti-Terrorism Act, 18 U.S.C. § 2333
- Count Six – Anti-Terrorism and Effective Death Penalty Act Claim, 28 U.S.C. § 1605(a)(7)
- Count Seven – Punitive Damages

IDENTIFICATION OF PLAINTIFFS

5. The following allegations and information are alleged as to each Plaintiffs, as indicated on Appendix 1 to this *Ashton* Short Form Sudan Complaint, who is bringing these claims. As to each decedent who was injured and who is now deceased, such claims are brought by the Estate representative, and/or for the survivors of the decedent's Estate. Collectively, these individuals are referred to herein as "Plaintiffs."

- a. The citizenship/nationality of Plaintiff is as stated in Appendix 1 to this *Ashton* Short Form Sudan Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action listed this *Ashton* Short Form Sudan Complaint and as described in the *Ashton* Sudan Complaint.
- c. As indicated at Appendix 1, each Plaintiff is (i) the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; or (ii) a surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the *Ashton* Sudan Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.

- e. For those plaintiffs with wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff's decedent suffered bodily injury and death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the *Ashton* Sudan Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11, 2001 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death claims are listed on the attached Appendix 1, and are incorporated herein as allegations, with all allegations of the *Ashton* Short Form Sudan Complaint deemed alleged as to each Plaintiff.

IDENTIFICATION OF DEFENDANT

6. The following is a Defendant herein: The Republic of Sudan.

This *Maheer* Short Form Sudan Complaint shall be deemed subject to any motion to dismiss the *Ashton* Sudan Complaint or any other filings responsive to the *Ashton* Sudan Complaint.

NO WAIVER OF OTHER CLAIMS

7. By filing this *Ashton* Sudan Complaint, the *Maheer* Plaintiffs are not waiving any right to file suit against any other potential defendants or parties.

8. By filing this *Ashton* Short Form Sudan Complaint, the *Maheer* Plaintiffs are not opting out of any class that the Court may certify in the future.

WHEREFORE, the *Maheer* Plaintiffs pray for relief and judgment against Defendant Republic of Sudan as set forth in the *Ashton* Sudan Complaint as appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by jury as to the claims in this action.

Date: August 3, 2020

Respectfully Submitted,

/s/ Dennis G. Pantazis

Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)

WIGGINS CHILDS PANTAZIS

FISHER GOLDFARB LLC

The Kress Building

301 Nineteenth Street North

Birmingham, AL 35203

(205) 314-0500

dgp@wigginschilds.com

Timothy B. Fleming (DC Bar No. 351114)

WIGGINS CHILDS PANTAZIS

FISHER GOLDFARB PLLC

1211 Connecticut Avenue, N.W.

Suite 420

Washington, DC 20036

(202) 467-4489

Richard D. Hailey (IN Bar No. 7375-49)

Mary Beth Ramey (IN Bar No. 5876-49)

RAMEY & HAILEY

9333 North Meridian Street, Suite 105

Indianapolis, IN 46260

(317) 582-0000

Attorneys for the Maher Plaintiffs

See Appendix 1 Annexed